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7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO

11 SMITHKLINE BEECHAM CORPORATION,)	Case No. C07-05702 WHA
12 d/b/a/ GLAXOSMITHKLINE,)	
13 Plaintiff,)	PROOF OF SERVICE OF
14 vs.)	SUMMONS AND COMPLAINT
15 ABBOTT LABORATORIES,)	
16 Defendant.)	

17
18 At the time of service I was at least 18 years of age and not a party to this action and I
19 served copies of the Summons and Complaint as follows:

- 20 1. Summons in a Civil Case (Case No. 07CV-05702 WHA)
- 21 2. Complaint, Demand for Jury Trial
- 22 3. Civil Cover Sheet
- 23 4. Order Setting Initial Case Management Conference and ADR Deadlines
- 24 5. Supplemental Order to Order Setting Initial Case Management Conference In Civil
- 25 Cases Before Judge William Alsup
- 26 6. U.S. District Court Northern California ECF Registration Information Handout
- 27 7. Guidelines to the U.S. District Court, San Francisco
- 28


8. Guidelines for Trial and Final Pretrial Conference In Civil Jury Cases Before the
Honorable William Alsup

On November 13, 2007, at 3:10 p.m. (time) I served Defendant Abbott Laboratories by
delivering, during usual business hours, a copy of the Summons and Complaint to Abbott
Laboratories' registered agent to receive service of process, CT Corporation Systems, located at
818 West Seventh Street, Los Angeles, CA 90017. Manner of service is in compliance with
Federal Rules of Civil Procedure.

Person Serving: John Aldana (name)
316 West 7th Street, #705 (address)
Los Angeles, California 90012
(213) 625-9100 (telephone)

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 15, 2007

John Aldana

(Signature)

Alexander F. Wiles (CA 73596)
 IRELL & MANELLA LLP
 1800 Avenue of the Stars, Suite 900
 Los Angeles, California 90067-4276
 Telephone: (310) 277-1010
 Facsimile: (310) 203-7199
 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

SMITHKLINE BEECHAM CORPORATION, d/b/a
 GLAXOSMITHKLINE

Plaintiff(s)

v.

ABBOTT LABORATORIES

Defendant(s)

CASE NUMBER: 07CV-05702 WHA

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**
 (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and **I served** copies of the *(specify documents)*:

- a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other *(specify)*: See "Attachment" for additional documents served

2. **Person served:**

- a. ☒ Defendant *(name)*: Abbott Laboratories
 b. ☒ Other *(specify name and title or relationship to the party/business named)*:
 Margaret Wilson, Process Specialist, CT Corporation System
 c. ☒ Address where papers were served: 818 W. 7th St, 2nd Fl., Los Angeles, CA 90017

3. **Manner of Service** in compliance with *(the appropriate box must be checked)*:

- a. ☒ Federal Rules of Civil Procedure
 b. ☐ California Code of Civil Procedure

4. **I served** the person named in Item 2:

- a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
1. ☒ **Papers were served on** *(date)*: November 13, 2007 at *(time)*: 3:10 p.m.
- b. ☐ By **Substituted service**. By leaving copies:
1. ☐ **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ **(business)** or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☐ **Papers were served on** *(date)*: _____ at *(time)*: _____
4. ☐ **by mailing** *(by first-class mail, postage prepaid)* copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
5. ☐ **papers were mailed on** *(date)*: _____
6. ☐ **due diligence**. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (*date*): _____ at (*time*): _____

- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

John Aldana, Los Angeles Co. #5261
Nationwide Legal, Inc.
316 West 7th Street, Suite 705
Los Angeles, California 90012
(213) 625-9100
Irell 28349ac

- a. Fee for service: \$
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 15, 2007


(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTACHMENT

SUMMONS;

COMPLAINT;

CIVIL COVER SHEET;

ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES;

NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION;

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE;

WELCOME TO THE U.S. DISTRICT COURT, SAN FRANCISCO;

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT;

SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE IN CIVIL CASES BEFORE JUDGE WILLIAM ALSUP;

ECF REGISTRATION INFORMATION HANDOUT;

GUIDELINES FOR TRIAL AND FINAL PRETRIAL CONFERENCE IN CIVIL JURY CASES BEFORE THE HONORABLE WILLIAM ALSUP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SmithKlineBeecham Corporation, d/b/a/ GlaxoSmithKline

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 07CV-05702 WHA

Abbott Laboratories

TO: (Name and address of defendant)

Abbott Laboratories
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Alexander F. Wiles
Irell & Manella, LLP
1800 Avenue of the Stars, 9th Floor
Los Angeles, CA 90067
Tel: (310) 277-1010
Email: AWiles@Irell.com

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK

DATE November 9, 2007


(BY) DEPUTY CLERK